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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/783,750	10/28/91	KENNEDY	J 01352

EXAMINER	
HOLLINDEN, G	

ART UNIT	PAPER NUMBER
1209	2

DATE MAILED: 04/15/92

RICHARD J. HICKS
DIRECTOR, PATENTS & LICENCING
QUEEN'S UNIVERSITY
KINGSTON, ONTARIO K7L 3N6

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-4 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 1, drawn to a method for treating Menorrhagia (bleeding of the uterus), classified in Class 515, subclass 899.

II. Claims 2 and 3, drawn to a method for treating proliferative lesions of the skin, classified in Class 514, subclass 863.

III. Claim 4, drawn to a method for diagnosing tissue abnormalities, classified in Class 424, subclass 7.1.

Clearly, a reference which would anticipate Group I would not necessarily anticipate or even make obvious the invention(s) of Group II and III. Further, the searches of the inventions are not co-extensive, particularly with regard to the literature search required and would constitute an undue burden for the Examiner. One skilled in the art could readily practice the invention of Group I without practicing or infringing the invention(s) of Groups II and III. Since the groups are drawn to patentably independent methods of use, each is capable of supporting its own patent.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is further required to elect a single ultimate protoporphyrin IX precursor for examination purposes wherein all components of said precursor are specifically named. Failure to so elect a single invention for examination purposes will result in the election being held non-responsive.

The processing of this application can be expedited by providing the following information or changes in your next amendment:

- Proper cross-reference to related applications for which priority is claimed under 35 U.S.C. § 120 in the first paragraph of the specification - including current status (M.P.E.P. 201.11)
- Early filing of an Information Disclosure Statement that includes a PTO-1449 form wherein the document number, publication date, inventor, country of publication, and US patent classification is listed for each patent document and wherein the author, title, journal, volume, issue (if known), pages, and year of publication is listed for all journal references (M.P.E.P. 609). A timely prior art disclosure by the Applicant aids in a speedy prosecution and helps to insure that the patent granted is both valid and enforceable.
- A descriptive title (M.P.E.P. 606 and 606.01). Please note that 1-2 word titles are generally unacceptable.
- An abstract which is descriptive of the disclosed invention and contains the structure of the active ingredient(s).

Art Unit 1209

- Correction of any ambiguities in the specification which may lead to a printer inquiry, such as blank spaces which appear to be omissions.
- Correction of any typographical errors in the application.

Any inquiry concerning this Office Action or any earlier Office Actions from the Examiner should be directed to Dr. Gary E. Hollinden whose telephone number is 703/308-4521.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703/308-1235.



GLENNON H. HOLLRAH
SUPERVISORY PATENT EXAMINER
ART UNIT 129